

EXHIBIT 3

To Proposed Amended Reply:

Annotated Portions Of The File History
For The “**737 Design Application**” (No. 29/167,737)

09/18/02	Class	SubClass	ISSUE CLASSIFICATION
D22	108		

PATENT DATE
MAR 23 2004

PATENT
NUMBER

D487790

D487790

DESIGN
SERIAL
NUMBER

CLASS D22	SUBCLASS 108	O.I.P.E. C19 SCANNED HUNY Q.A. NS	ART UNIT 2914	EXAMINER Weingart
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TITLE OF INVENTION (FOR DESIGN APPLICATION ONLY):

ISSUE FEE IN FILE

<input type="checkbox"/> TERMINAL DISCLAIMER	<input type="checkbox"/> The term of this patent subsequent to _____ (date) has been disclaimed.	<input type="checkbox"/> The term of this patent shall not extend beyond the expiration date of Pat. No. _____	<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed.
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ISSUING CLASSIFICATION

ORIGINAL		CROSS REFERENCE(S)			
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)		
D22	108				
INTERNATIONAL CLASSIFICATION					
	22 / 01				

☐ Continued on Issue Slip inside File Jacket

Form PTO-2009
(Rev. 4-97)

WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.

PARTS OF APPLICATION
FILED SEPARATELY

CHECK BOX FOR
REQUEST FOR
INFORMATION ☐

NOTICE OF ALLOWANCE MAILED

10/2/03	Monica A. Weingart Assistant Examiner	Ruth Sydney 10/3/03 Application Examiner
ISSUE FEE		DRAWING
Amount Due 240	Date Paid 12/04/03	Sheets Drwg. 1 Figs. Drwg. 4 Print Fig. 1+4
Label Area		ISSUE BATCH NUMBER
PREPARED FOR ISSUE		
<p>WARNING: The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent and Trademark Office is restricted to authorized employees and contractors only.</p>		

Page 1 of 1



Commissioner for Patents
Washington, DC 20231
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 2623

SERIAL NUMBER 29/167,737	FILING DATE 09/18/2002 RULE	CLASS D22	GROUP ART UNIT 2900	ATTORNEY DOCKET NO. FR02.D	
APPLICANTS Robert Freed, Kenmore, WA;					
** CONTINUING DATA <i>none</i> *****					
** FOREIGN APPLICATIONS <i>none</i> *****					
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY ** ** 10/10/2002					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		STATE OR COUNTRY WA	SHEETS DRAWING 1	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance					
Verified and Acknowledged <i>Morris Kesper</i> Examiner's Signature Initials					
ADDRESS James L. Davison NW Patent Group 19822 226th Ave NE Woodinville, WA 98072					
TITLE <i>magazine surround</i> SIG P245 pistol magazine surround					
FILING FEE RECEIVED 230	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit _____		

3769 U.S. PTO
NO 110/111

Please type a plus sign (+) inside this. → ☐

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DESIGN PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>		Attorney Docket No. FR02.D	
		First Named Inventor Robert Freed	
		Title SIG P245 Pistol Magazine Surround	
		Express Mail Label No. EU-626872678 US	

ADDRESS TO: Assistant Commissioner for Patents Box Design Washington, DC 20231		DESIGN V. UTILITY: A "design" (e.g., the way an article looks) (35 USC 1.11), while a "utility patent" protects the way an article is used and works (35 USC 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information see MPEP 1502.01.	
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APPLICATION ELEMENTS <small>See MPEP chapter 1500 concerning design patent application</small>	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) 2. <input checked="" type="checkbox"/> Applicant claims small entity status. 3. <input checked="" type="checkbox"/> Specification [Total Pages 2] <small>(preferred arrangement set forth below, MPEP 1503.01)</small> - Preamble - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Description of the figure(s) of Drawings - Feature Description - Claim (only one (1) claim permitted, MPEP 1503.03) 4. <input checked="" type="checkbox"/> Drawing(s) (37 CFR 1.152) [Total Sheets 1] 5. Oath or Declaration [Total Pages 1] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small> 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.	7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 8. <input type="checkbox"/> 37 C.F.R. 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney 9. <input type="checkbox"/> English Translation Document (if applicable) 10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 11. <input type="checkbox"/> Preliminary Amendment 12. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 13. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 14. <input type="checkbox"/> Request for Expedited Examination of a Design Application (37 CFR 1.155) (NOTE: Substitute "Box Expedited Design" for "Box Design" in the address indicated above.) 15. <input type="checkbox"/> Other:


16. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____ Group / Art Unit _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label  (inse) or ☐ Correspondence address below

021325

PATENT AND TRADEMARK OFFICE

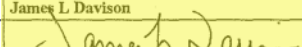
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type) **James L. Davison**

Registration No. (Attorney/Agent)

40,334

Signature



Date

Sept. 18, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Design, Washington, DC 20231.**

29167737.091802

Design Patent Application – Preamble, Specification, and Claim

Box Design
Commissioner for Patents
Washington, District of Columbia 20231

Sir:

PREAMBLE:

Sub B1 → Your petitioner, Robert Freed, a citizen of the United States and a resident of Kenmore, Washington respectfully requests that Letters Patent be granted to said petitioner for a new and original design set forth in the following specification. The filing fee of \$165.00, 1 sheet of drawings, fee transmittal form, a credit card payment form, design patent application transmittal form and a return postcard are attached.

SPECIFICATION:

The petitioner has invented a new, original, and ornamental design entitled "SIG P245 Pistol Magazine Surround" of which the following is a specification. Reference is made to the accompanying drawing which form a part hereof, the figures of which are described as follows:

CROSS REFERENCE TO RELATED APPLICATIONS: None

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH: None

DRAWING FIGURES:

Fig. 1 is a top view of the magazine surround showing my new design;

Fig. 2 is a front view thereof;

Fig. 3 is a left side view thereof; and

Fig. 4 is a top right elevation view thereof.

The left side view is a mirror image of the right side view, and the bottom view, and rear view contain no features not disclosed by the abovementioned views.

(1)

29167737 .091802

sub
BT BT

~~FEATURE DESCRIPTION: My magazine surround is characterized by the smooth esthetic interface it provides between bottom portion of a SIG P245 pistol grip and the exposed metal flange of an extended ammunition magazine.~~

I claim: the ornamental design for a magazine surround as shown.

Express Mail Label # EU 626872678 US

Date of Deposit: 18 Sept. 2002

29167737.091802

PRINT OF DRAWINGS
AS ORIGINALLY FILED

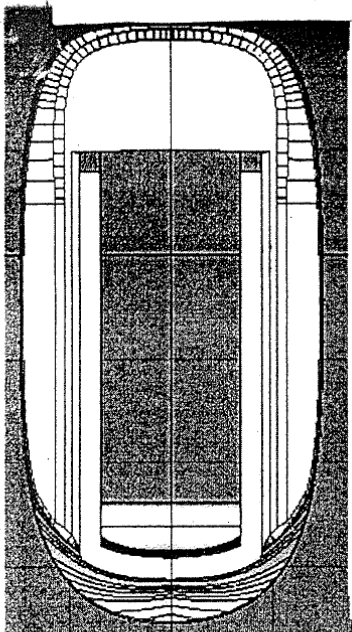


Fig.1

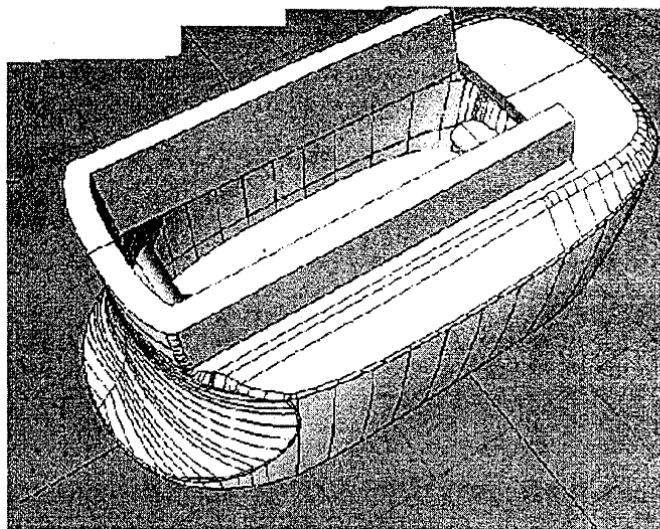


Fig.4

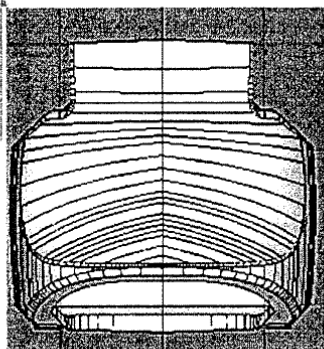


Fig.2

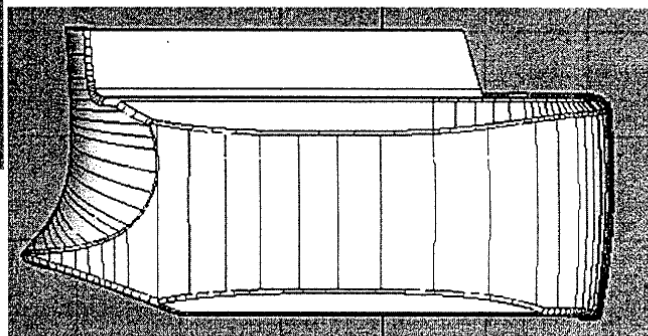


Fig.3

Docket Number FR02.D**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe that I am the original, first and sole inventor of the subject matter that is claimed and for which patent is sought on the invention entitled:

SIG P245 Pistol Magazine Surround

the application number being: 29/167,737

filed: 09/18/2002

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: James L. Davison Reg. No. 40,334 at telephone number (425) 844-6422

Address all correspondence to:

James L. Davison
NW Patent Group
19822 226th Ave NE
Woodinville, WA 98072

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor

Citizenship

Robert Freed

U.S.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



#4RB

In re Application of: Freed, Robert

) Date: October 30, 2002

Serial No.: 29/167,737

) Group Art Unit: 2900

Filed: 09/18/2002

) Examiner: N/Available

For: SIG P245 Pistol Magazine
Surround

RECEIVED

NOV 08 2002

TECH CENTER 1600/2900

PRELIMINARY AMENDMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Please amend the application identified above as follows:

AMENDMENTS TO THE SPECIFICATION

The Feature Description has been amended to read:

My magazine surround is characterized by the smooth esthetic interface it provides between bottom portion of a SIG P245 pistol grip and the plastic floor plate of an extended ammunition magazine.

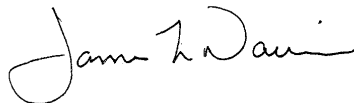
Remarks

The amended Feature Description now accurately describes the floor plate of a SIG P245 extended magazine.

Version of Feature Description with markings to show the changes made:

My magazine surround is characterized by the smooth esthetic interface it provides between bottom portion of a SIG P245 pistol grip and the [exposed metal flange] plastic floor plate of an extended ammunition magazine.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Davison". The signature is fluid and cursive, with the first name "James" and last name "Davison" clearly distinguishable.

James L. Davison

Reg. Number 40,334

NW Patent Group
19822 226th Ave NE
Woodinville, WA 98072
Ph. 425.844.6422
Fax 425.732.0250



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/167,737	09/18/2002	Robert Freed	FR02.D	2623

7590 04/23/2003

James L. Davison
 NW Patent Group
 19822 226th Ave NE
 Woodinville, WA 98072

EXAMINER

WEINGART, MONICA A

ART UNIT

PAPER NUMBER

2914

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	29/167,737		FREED, ROBERT	
	Examiner		Art Unit	
	Monica A. Weingart		2914	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) is a single claim is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 35 USC 112, 1st and 2nd paragraphs is/are rejected.

7) ☒ Claim(s) drawing, title, specification is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 18 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.

4) ☐ Interview Summary (PTO-413) Paper No(s). ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Application/Control Number: 29/167,737
Art Unit: 2914

Page 2

The claim is rejected under 35 U.S.C. 112, first paragraph, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same.

The claim is the nonenabling because: the exact appearance and details of the design cannot be understood due to the poor quality of the drawing. The lines are rough and sketchy and it is unclear what is a surface pattern or what is line shading. Clarification is required.

The claim is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because the claim is nonenabling, as set out in the previous rejection, it is also indefinite for the same reasons. The appearance and details of the article cannot be readily understood and again clarification is necessary.

The drawing is objected to. The halftone prints of the views are improper under 37 CFR 1.152. There are also areas of solid black shading which is unacceptable. The drawing views must be redrawn in black ink and any shading that is applied must be either line shading or stipple shading. The appearance and details of the drawing must be readily understood. Also, there appears to be a grid pattern underneath the article in all of the views. This should be removed. There should be nothing in the views except the article itself. Correction of the drawing is required.

Any attempt to correct or clarify the appearance and details of the design in order to overcome the rejections must avoid the introduction of new matter. 35 USC 132. 37 CFR 1.121. New matter is information not supported by the application as originally filed.

Application/Control Number: 29/167,737
Art Unit: 2914

Page 3

In an attempt to overcome the rejections, applicant may submit large clear photographs showing all details of the design, or in the alternative pen and ink drawings may be submitted clearly showing all details and the complete appearance of the design for the examiner's review. Formal ink drawings or photographs should not be submitted until a determination is made that the rejection can be overcome without the introduction of new matter.

For consistency, the title should be amended throughout the application, original oath or declaration excepted, to read:

Magazine Surround.

The specification is objected to. The "Preamble", the paragraph following, and the "Specification" designator should be canceled. Also, the "Cross Reference To Related Applications ; none" must be canceled as well as the "Statement Regarding Federally Sponsored Research: none" and the "Drawing Figures" designator should be canceled.

The special description in the specification which describes variations and modifications of the design which are not shown in the drawings is not permitted, MPEP '1503.01. Furthermore, in the decision of *Racing Strollers Inc. v TRI Industries*, 11 USPQ2d 1300, (Fed. Cir. 1989), the court held that "... the 'best mode' requirement of the first paragraph of '112 is not applicable, as a design has only one 'mode' and it can be described only by illustrations showing what it looks like (though some added description in words may be useful to explain the illustrations. The special descriptions describing the bottom of the article not shown should be canceled.

The references are cited as pertinent but are not applied.

PAGE 1 OF 1

FORM PTO-892		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 29/167,737	GROUP ART UNIT 2914	ATTACHMENT TO PAPER NO.	5
NOTICE OF REFERENCES CITED				APPLICANT(S) Robert Freed			
U.S. PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	A	D344,780	3/1994	Jenkins	D22	108	
	B	4,495,720	1/1985	Bross	42	7	
	C	4,862,619	9/1989	Baldus et al.	42	7	
	D	5,081,778	1/1992	Switzer	42	50	
	E	5,357,703	10/1994	Chesnut et al.	42	50	
	F	5,666,752	9/1997	Grams	42	49.02	
	G	2002/0029506 A1	Pub.3/2002	Wollmann	42	50	11/2001
	H						
	I						
	J						
	K						
FOREIGN PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB- CLASS
	L						
	M						
	N						
	O						
	P						
	Q						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	R						
	S						
	T						
	U						
EXAMINER Monica A. Weingart			DATE April 17, 2003		Form892ccs2106b		
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05(a).)							



#7/B 9/11/03
PLN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Freed) Date: 4 Sept 2003
Serial No.: 29/167,737) Group Art Unit: 2914
Filed: 09/18/2002) Examiner: Weingart
For: Magazine Surround)

RECEIVED

SEP 11 2003

TECH CENTER 1600/2900

AMENDMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Examiner:

In response to the communication from the Examiner dated 04/23/2003
Please amend the application identified above as follows:

Drawing: Replace previous drawing with enclosed replacement.

Specification: Replace previous specification with enclosed replacement.

Comments:

Replacement drawing is now in correct format.

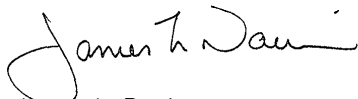
Title has been corrected.

Specification has been corrected.

Conclusion: Applicant has incorporated Examiner's requests and solicits
reconsideration and allowance.

Also enclosed is a petition for a 2 month extension and a credit card payment for the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Davison". The signature is fluid and cursive, with the first name "James" being more prominent.

James L. Davison

Reg. Number 40,334

NW Patent Group
19822 226th Ave NE
Woodinville, WA 98072
Ph. 425.844.6422
Fax 425.732.0250



D487790

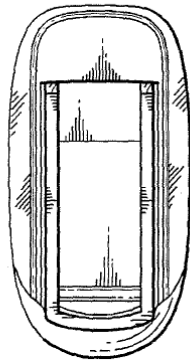


Fig. 1.

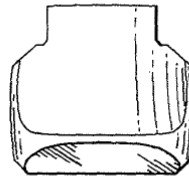


Fig. 2.

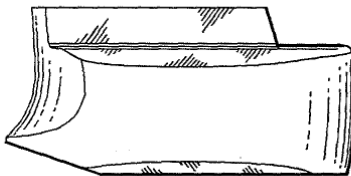


Fig. 3.

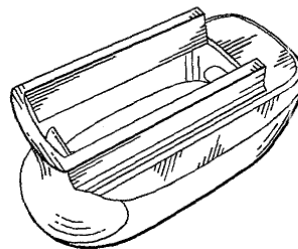


Fig. 4.

AMENDED SUBMISSION

B1 Your petitioner, Robert Freed, a citizen of the United States and a resident of Kenmore, Washington prays that letters patent may be granted for the design for a "Magazine Surround" as set forth in the following

Fig. 1 is a top view of the magazine surround showing my new design;

Fig. 2 is a front view thereof;

Fig. 3 is a left side view thereof; and

Fig. 4 is a top left elevation view thereof.

The right side view is a mirror image of the left side view.

FEATURE DESCRIPTION: My magazine surround is characterized by the smooth esthetic interface it provides between bottom portion of a ~~SIG P245~~ pistol grip and the exposed metal flange of an extended ammunition magazine.

I claim: the ornamental design for a magazine surround as shown.

and described

Robert Freed

1

(2)